IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

WP(C).No. 13814 of 2007(T)

PETITIONERS:

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1. **K.P.VIMALAKUMARI,**
   JUNIOR PUBLIC HEALTH NURSE GR.I, P.H.C.CHALAVARA,
   PALAKKAD DISTRICT.

2. **KAMALAVATHY B.P.,**
   JUNIOR PUBLIC HEALTH NURSE GR.I, P.H.C.CHALAVARA,
   PALAKKAD DISTRICT.

3. **P.NIRMALA,**
   JUNIOR PUBLIC HEALTH NURSE GR.I, P.H.C.ANANGANADI,
   PALAKKAD DISTRICT.

4. **GEETHA V.,**
   JUNIOR PUBLIC HEALTH NURSE GR.I, P.H.C.KUNISSERI,
   PALAKKAD DISTRICT.

5. **JAYANTHI M.K.,**
   JUNIOR PUBLIC HEALTH NURSE GR.I, P.H.C.
   PUDUPPARIYARAM, PALAKKAD DISTRICT.

6. **C.B.SANTHI,**
   JUNIOR PUBLIC HEALTH NURSE GR.I, C.H.C.EDAPPULLY,
   PALAKKAD DISTRICT.

7. **M.GEETHA,**
   JUNIOR PUBLIC HEALTH NURSE GR-I, C.H.C.COYALMANNAM
   PALAKKAD DISTRICT.

8. **K.DAIVANI,**
   JUNIOR PUBLIC HEALTH NURSE GR-I, C.H.C.
   PUDUPARIYARAM, PALAKKAD DISTRICT..

9. **K.PREMAKUMARI,**
   JUNIOR PUBLIC HEALTH NURSE GR-I, P.P.UNIT,
   DISTRICT HOSPITAL, PALAKKAD.

10. **DAKSHAYANI C.,**
    JUNIOR PUBLIC HEALTH NURSE GR-I, P.H.C. VALLAPUZHA
    PALAKKAD DISTRICT.

11. K.BHARGAVI,
JUNIOR PUBLIC HEALTH NURSE GR-I, P.H.C. LAKKIDI,
PALAKKAD DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF HEALTH & FAMILY WELFARE SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF HEALTH SERVICE,
THIRUVANANTHAPURAM.

3. THE DISTRICT MEDICAL OFFICER,
HEALTH, PALAKKAD.

4. THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF FINANCE, SECRETARIAT,
THIRUVANANTHAPURAM.

BY SPL.GOVT.PLEADER SRI.N.MANOJ KUMAR (FINANCE)
BY GOVERNMENT PLEADER SRI.M.P.MUHAMMED FAZIL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/06/2007, ALONG WITH WPC NO. 13832 OF 2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.13814/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPIES OF THE RELEVANT PAGES OF THE APPOINTMENT ORDER OF THE PETITIONERS.

EXT.P2:- COPIES OF THE REPRESENTATION FILED BY THE PETITIONERS BEFORE THE 1ST RESPONDENT.

EXT.P3:- COPY OF THE CERTIFICATE OF POSTING .

EXT.P4:- COPY OF THE JUDGMENT DT. 25.8.05 IN WP(C) 24040/05.

EXT.P5:- COPY OF THE G.O.(RT) NO.2497/06 DT. 23.8.06

EXT.P6:- COPY OF THE JUDGMENT DT. 11.12.06 IN WO(C) NO.32868/06.

EXT.P7:- COPY OF THE JUDGMENT DT. 15.11.06 IN WP(C) 29599/06.

EXT.P8:- COPY OF THE JUDGMENT DT. 12.1.07 IN WPC NO.1459/07.

EXT.P9:- COPY OF THE JUDGMENT DT. 21.12.06 IN WPC 34084/06.

EXT.P10:- COPY OF THE JUDGMENT DT. 4.1.07 IN WP(C) 443/07.

/TRUE COPY/

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K.BALAKRISHNAN NAIR, J.

W.P.(C) No.13814 of 2007-T & 13832 of 2007-V

Dated this the 14th day of June, 2007.

J U D G M E N T

The petitioners in these writ petitions are Junior Public Health Nurses. They were appointed on the advice of the PSC on a regular basis before 1-10-1994. They are having provisional service in the same cadre before their regular appointment. So, they claim reckoning the said provisional service also for the purpose of granting increment. The point raised by the petitioners is covered in their favour by Exts.P4, P6 to P10 judgments. They point out that similarly placed persons have been granted the above benefit by the Government, by Ext.P5 order, pursuant to Ext.P4 judgment. Seeking similar reliefs, they have preferred Ext.P2 series representations before the first respondent. This writ petition is filed, inter alia, for a direction to the first respondent to consider Ext.P2 series of representations.

2. The learned Government Pleader, upon instruction, submitted that all the petitioners have joined service on regular basis before the cut off date namely, 1-10-1994. In view of the above position, the petitioners are entitled to get the benefit claimed, in the light of the

afore-mentioned judgments.

Accordingly, the Writ Petitions are disposed of, directing the first respondent to consider and pass orders on Ext.P2 series representations, in accordance with law, in the light of the observations made herein-above, within three months from the date of receipt of a copy of this judgment. If the petitioners want to make any additional grounds, they will be free make additional grounds, while producing the copy of this judgment.

K.BALAKRISHNAN NAIR,
JUDGE.

MS